

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT JOHN BARKER,

Defendant.

CR 20–25–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on February 23, 2021. (Doc. 27.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Robert John Barker’s guilty plea after Barker appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of wire fraud, in violation of 18 U.S.C. § 1343, as set forth in Count II of the Indictment.

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 27) IN FULL.

IT IS FURTHER ORDERED that Robert John Barker's motion to change plea (Doc. 16) is GRANTED, and Robert John Barker is adjudged guilty as charged in Count II of the Indictment.

DATED this 11th day of March, 2021.



Dana L. Christensen, District Judge
United States District Court